-----BEGIN PGP SIGNED MESSAGE-----

I oppose the proposed Microsoft Settlement.

The proposed disclosure of APIs is not enough to allow free and open competition in the development of applications and middleware. Here are four significant defects:

The disclosure is too late. If API documentation is only released at the "last major beta test" of a new product, then any competing product would start with a handicap of several months, which in the software industry amounts to most of a generation. There is also no assurance that Microsoft would continue to use historical patterns of beta testing. It could, for example, use a series of test versions each released to only 140,000 beta testers. None of these releases would then trigger the disclosure of the APIs.

Potentially significant exclusions. Excluded are "anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems". Without question, Microsoft has legitimate needs in these areas. However, it is well known in the computer security field that "security by obscurity" can work only temporarily. True security is based instead on open protocols and implementations that can be studied, criticized, and improved by many developers. On the other hand, Microsoft can claim that almost any API or protocol has some relevance to piracy, virus protection, authentication, etc. If necessary some authentication measures could be added to ensure this. This would give Microsoft an excuse not to disclose those APIs.

Implementation roadblocks. If someone does implement a protocol or API which Microsoft claims has anti-piracy etc. relevance, then Microsoft can require them to pay a third party to test it. Microsoft could easily use this requirement to delay and financially burden the small companies and independent programmers that have provided so many innovations in the software industry.

Excluded business areas. The agreement addresses only software for "personal computers", apparently permitting Microsoft to set up new monopolies in software for "servers, television set top boxes, handheld computers, game consoles, telephones, pagers, and personal digital assistants", which "are examples of products that are not Personal Computers within the meaning of this definition".

For these reasons among others, I believe the proposed agreement would
not effectively prevent Microsoft from maintaining its monopoly in
personal computer operating system software, or from setting up new
monopolies in other business areas.

- James R. Van Zandt

-----BEGIN PGP SIGNATURE-----
Version: GnuPG v1.0.5 (GNU/Linux)
Comment: For info see http://www.gnupg.org

iQCVAwUBPFIP6DHnPxTimJZtAQEhJQP/QQSQKV74ocM8B+HtdDFEEtQB4hSn1CQ9
Y7S5XAcG51y7eyH3WoQf1gZjlcEm2dM+7HsjJJmOdwS7OqHEJkvZy4HXqC0RU+ds
QH7u1wVOmUFbXbUdN1/+cztgT8FnA2//V1TMH06VnINQQ1NnRcHkbODSH+b4M8Pg
kRC+eb3A2Xg=
=pPSg
-----END PGP SIGNATURE-----